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10
11 **IN THE UNITED STATES DISTRICT COURT**
12
13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 UNITED STATES OF AMERICA,

15 Case No.: 2:21-CR-0079-TLN

16 Plaintiff,

17 vs.
18 STIPULATION AND ORDER TO EXCLUDE
19 TIME

20 AUSTREBERTO SANTAMARIA-VALENCIA ,

21 Date: June 8, 2023

22 Defendant.

23 Time: 9:30 a.m.

24 Hon. Troy L. Nunley

25 **STIPULATION**

26 1. By previous order, this matter was set for status on June 8, 2023.

27 2. By this stipulation, defendant now moves to continue the status conference until August
28 31, 2023, at 9:30 a.m., and to exclude time between June 8, 2023, and August 31, 2023, under Local
Code T4.

29 3. The parties agree and stipulate, and request that the Court find the following:

30 a.) The government has produced the discovery associated with this case including,
31 among other things, investigative reports, photographs, and video recordings.

32 b.) Counsel for defendant desires additional time to consult with his client, to review

1 the current charges, to conduct an investigation and research related to the charges, to review
2 discovery for this matter, to discuss potential resolutions with his client, and to prepare pretrial
3 motions.

4 c.) Defense counsel believes that failure to grant the above-requested continuance
5 would deny counsel the reasonable time necessary for effective preparation, taking into account
6 the exercise of due diligence.

7 d.) The government does not object to the continuance.

8 e.) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of June 8, 2023 to August 31, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Rule T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's findings that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

21 Date: June 5, 2023

22 /s/ Matthew C. Smith
23 MATTHEW C. SMITH
24 Attorney for Defendant
25 Austreberto Santamaria-Valencia

26 Date: June 5, 2023

27 /s/ James R. Conolly
28 James R. Conolly
2 Assistant United States Attorney
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FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 6th day of June, 2023.


Troy L. Nunley
United States District Judge